

## ORAL ARGUMENT – OCTOBER 29, 2019

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ROCKWELL MINING, INC.,	:	
	:	
Petitioner/Cross-Respondent,	:	
	:	
v.	:	
	:	
NATIONAL LABOR RELATIONS	:	Nos. 18-1329 and 19-1017
BOARD,	:	
	:	
Respondent/Cross-Petitioner.	:	
	:	

**UNOPPOSED MOTION TO DIVIDE TIME FOR ORAL ARGUMENT**

Pursuant to Federal Rule of Appellate Procedure 27 and Circuit Rule 34(c), Respondent National Labor Relations Board (the “Board”) and Intervenor United Mine Workers of America International Union (the “Union”) respectfully submit this joint motion to divide the time allocated to the Board for oral argument.

On October 15, 2019, this Court issued an order allocating ten minutes per side for oral argument. ECF No. 1810870 (D.C. Cir. Oct. 15, 2019). Per Circuit Rule 34(c), “[i]n cases in which 15 minutes or less per side is allotted for argument, only one counsel may be heard for each side except by leave of the court, granted on motion for good cause shown.” Cir. R. 34(c).

The Union is an intervenor supporting the Board in this case, *see* ECF No. 1781012 (D.C. Cir. April 3, 2019), and it was the successful charging party in the

underlying proceedings before the Board. The Union has been certified as the exclusive collective bargaining representative of the classified workforce of the coal mine where the events in this case took place, and it has a strong interest in the outcome of this case. *See* ECF No. 1772449 (D.C. Cir. Feb. 7, 2019) (Union's unopposed motion to intervene). The Board and the Union believe the Union's participation will aid the Court's decisional process.

Per Circuit Rule 34(d), counsel for the Board and counsel for the Union have agreed to divide their time as follows: seven minutes for the Board and three minutes for the Union. Counsel for Petitioner Rockwell Mining, Inc. has represented that Rockwell Mining does not oppose this motion. The Board and the Union urge the Court to grant this motion and divide the time for argument accordingly.

Respectfully submitted,

s/ Laura P. Karr

D.C. Circuit No. 60955

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**CERTIFICATE OF COMPLIANCE**

This document complies with Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman font using Microsoft Word.

This document complies with Fed. R. App. P. 27(d)(2)(A) because it contains 283 words.

s/ Laura P. Karr

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**CERTIFICATE OF SERVICE**

I certify that on October 18, 2019, the foregoing Unopposed Motion to Divide Time for Oral Argument was served on all parties or their counsel of record through the CM/ECF system.

s/ Laura P. Karr

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